



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	April 12-102 CUP
Case Type	Conditional Use Permit
Project Name	Outdoor Recreation and Entertainment (Sanctioned Truck Mud Run)

Applicant	Chris Frick 200 Bridgeport Drive Smithville, MO 64089
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Owner	Russell C. Frick 15215 Francis Road Kearney, MO 64060
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Request	Conditional Use Permit to operate Outdoor Recreation and Entertainment, specifically a Sanctioned Truck Mud Run
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Application Submittal	2012-03-05
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Public Notice Published	2012-03-15
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Neighbor Letters Sent	2012-03-16
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Report Date	2012-03-26
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REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
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Recommendation	APPROVAL, with conditions
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General Information

Site Location: 15215 Francis Road
Section 26 | Township 53 | Range 32

Site Size: 58.22± acres

Existing Landuse & Zoning: Agricultural (AG)

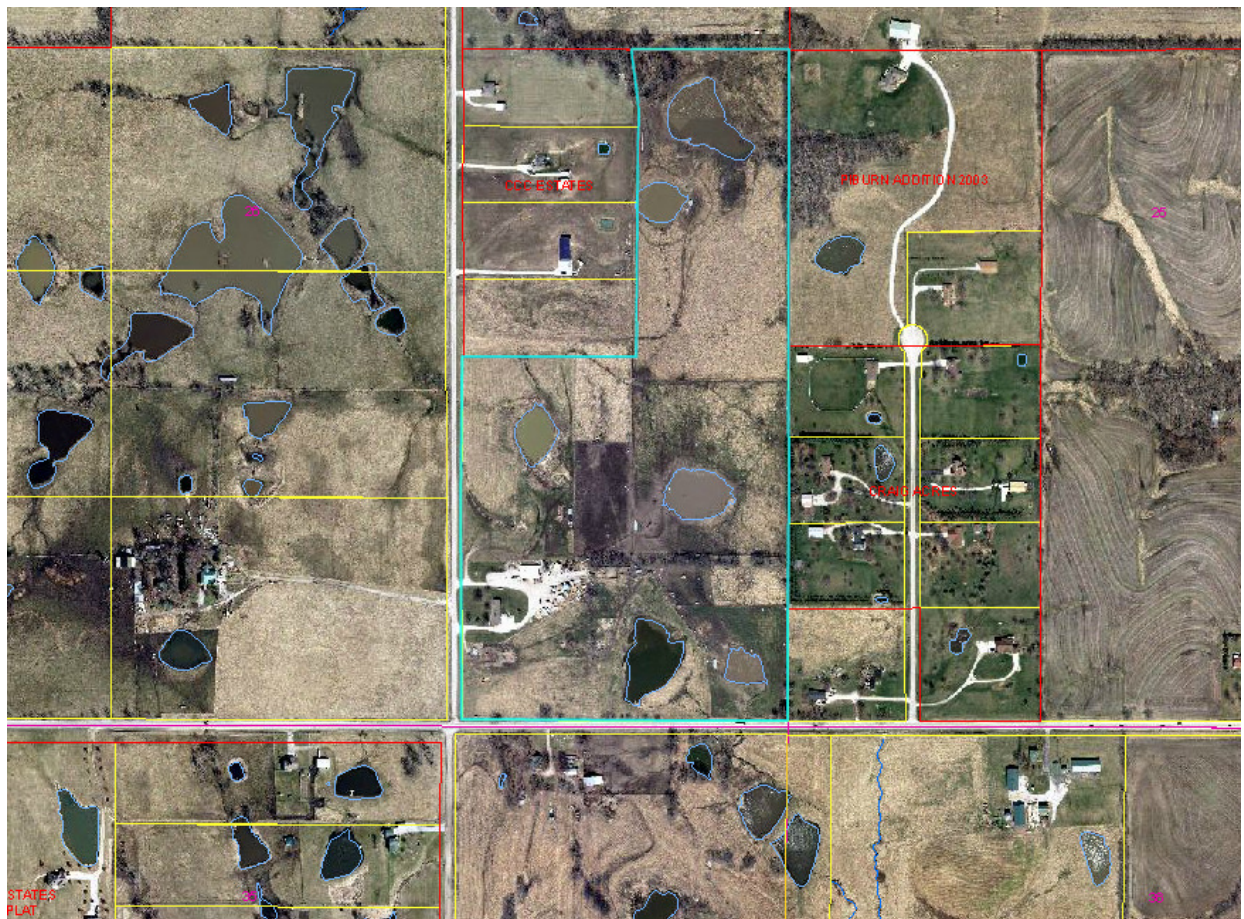
Zoning/Platting History: None

Surrounding Landuse & Zoning:

North – Agriculturally zoned land (AG), CCC Estates (R-1A), Frick Estates (R-1)
East – Agriculturally zoned land (AG), Craig Acres (R-1), Piburn Addition (R-1A)
South – Agriculturally zoned land (AG)
West – Agriculturally zoned land (AG)

Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property Lines = **BLUE**



Courtesy Clay County Assessor GIS/Mapping



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Assessment

Chris Frick, representing property owner Russell Frick is requesting approval of a **Conditional Use Permit (CUP)** to operate an Outdoor Recreation and Entertainment events, specifically a Sanctioned Truck Mud Run at 15215 Francis Road (NE corner of 92 Hwy. and Francis Rd.). The property is 58.22± acres in size and zoned Agricultural (AG).

This proposal is for two (2) Sanctioned Truck Mud Runs of the Midwest Mudboggers circuit a year (Spring and Fall). These events will be from approximately 8:00 am to 6:00 pm with about fifty (50) trucks and have approximately 150 – 200 spectators (see attached Exhibit B).

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, the **Urban Services Transition Sub-Tier** and the **HIGHWAY CORRIDOR OVERLAY DISTRICT**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

	Natural Resources Tier⁺ (Yellow)	Rural Low-Density Tier⁺ (Green)	Urban Services Tier⁺ (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

⁺ The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway, yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

Character of the General Neighborhood

CCC Estates (R-1A) and Frick Estates (R-1) are to the north. Craig Acres (R-1) and is Piburn Addition (R-1) are to the East. Agricultural (AG) zoned land is in each direction of the property.

Code Considerations

The Conditional Use Permit (CUP) application was properly noticed in the Kearney Courier on March 15, 2012. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent March 16, 2012.

The subject request to operate Outdoor Recreation and Entertainment, more specifically a Sanctioned Truck Mud Run, would be addressed in the 2011 Clay County Land Development Code ("LDC") under the use table inside Section 151-6.1 designation requiring approval of a Conditional Use Permit ("CUP") in the Agricultural ("AG") and Community Commercial (C-2) zoning districts. As such, the subject request must meet all of the approval criteria for a CUP in Section 151-3.10 (A) (13) detailed below:

- The proposed use complies with the intent of the Comprehensive Plan and general provisions of the Land Development Code, modified for the specific use request.
- The proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare.
- The proposed use will not cause substantial injury to the value of other property in the vicinity.
- Adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets.
- Adequate public safety, transportation and utility facilities/services will be available to service the subject property while maintaining adequate levels of service for existing development, and
- The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).



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Outside Agency Review

The Clay County Health Department noted that a temporary food permit has been issued, and Clay County Health Center is not opposed.

The Missouri Department of Transportation ("MoDOT") has noted the following:

"You indicated that there would be no vehicles or personnel on the right of way and that your entrance is off of a side road several hundred feet from M-92. There will be no signing or advertising allowed on the MoDOT right of way. You indicated that you expect 40-50 vehicles coming to the site during about a 4 hour window. This probably would cause no stacking onto M-92 and you indicated that you expect more than half of those to come from secondary road systems. There will be no permits required from our office for this activity".

The Clay County Highway Department has noted the following agreement language, which Chris Frick has signed:

"This event must not impact County Roads. No permit is necessary for a driveway entrance, unless you need an entrance other than your existing driveway for this event. If you need a second entrance, please let me know as soon as possible. No vehicles will be permitted to park on Francis Road for the safety of local traffic as well as the persons attending the Mud Run. All spectators and participants must park on your property. There must be no tracking of any debris or mud onto the road when leaving the property. Any mud or debris tracked onto the road must be cleaned up immediately. Clay County will not be responsible for any traffic control. For everyone's safety, we request that you make arrangements to have people directing traffic on and off Francis Road and into parking places. Persons directing traffic should wear appropriate high-vis vests. Please come to our office at your earliest convenience to sign an agreement to the above conditions.

A temporary culvert was placed in the ditchline to accommodate crossing with 100 ft. of gravel from Francis Road leading into access parking. Any gravel/entrance will be cleaned up upon completion."

Platte-Clay Electric (PCEC) has no objection to the proposal although any relocation charges will be the responsibility of the developer. The Public Water Supply District #6 supplies water to the property. The Smithville Fire Protection District serves this property.

The Clay County Soil and Water Conservation District has noted the following:

"The old pond on the property will serve mainly as a sediment catch basin for the proposed Mud Run. It was agreed to install a principal spillway tube two feet below a new emergency spillway. Such retrofitting will control runoff velocity, allowing for sediment control and storage. The principal spillway pipe is to be outletted on established sod to further filter soil particles passing in suspension. A "simple" survey indicates the old pond will store approximately 740 tons of sediment. Assuming the barren area (.18 acre) annually yields approximately 40 tons indicates a 103 year life span. A breach study was also conducted".

Findings

No opposition has been received as of the date of this staff report.

During discussions between the applicant and staff, the time period for the CUP was mutually agreed to be two (2) years. In return, staff agreed to waive the CUP flat application fee (currently \$350) if a renewal was to be requested prior to the 2 years expiring.

Recommendations

Staff recommends the request for the **Conditional Use Permit** to operate Outdoor Recreation and Entertainment, specifically a Sanctioned Truck Mud Run be **approved**, with the following conditions as shown on Exhibit A:



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Exhibit A

1. The CUP shall be based on a time frame of two (2) years. The flat application fee will be waived if a CUP renewal is requested prior to the 2 years expiring;
2. No signage or advertising allowed on MoDOT right-of-way.
3. Clay County Highway Department conditions and stipulations followed as in the agreement signed February 22, 2012, and also noted in the Staff Report.
4. At property lines noise levels may not exceed 65 dbL.
5. No part of the track or course may be located within 400' of residentially zoned property.
6. No sale of alcohol on the property.
7. There will be a maximum of two (2) events per year with times from 8:00 am to 7:00 pm.
8. Once approved, this CUP is non-transferable; therefore, if ownership changes a new CUP must be filed with the Clay County Planning and Zoning office.



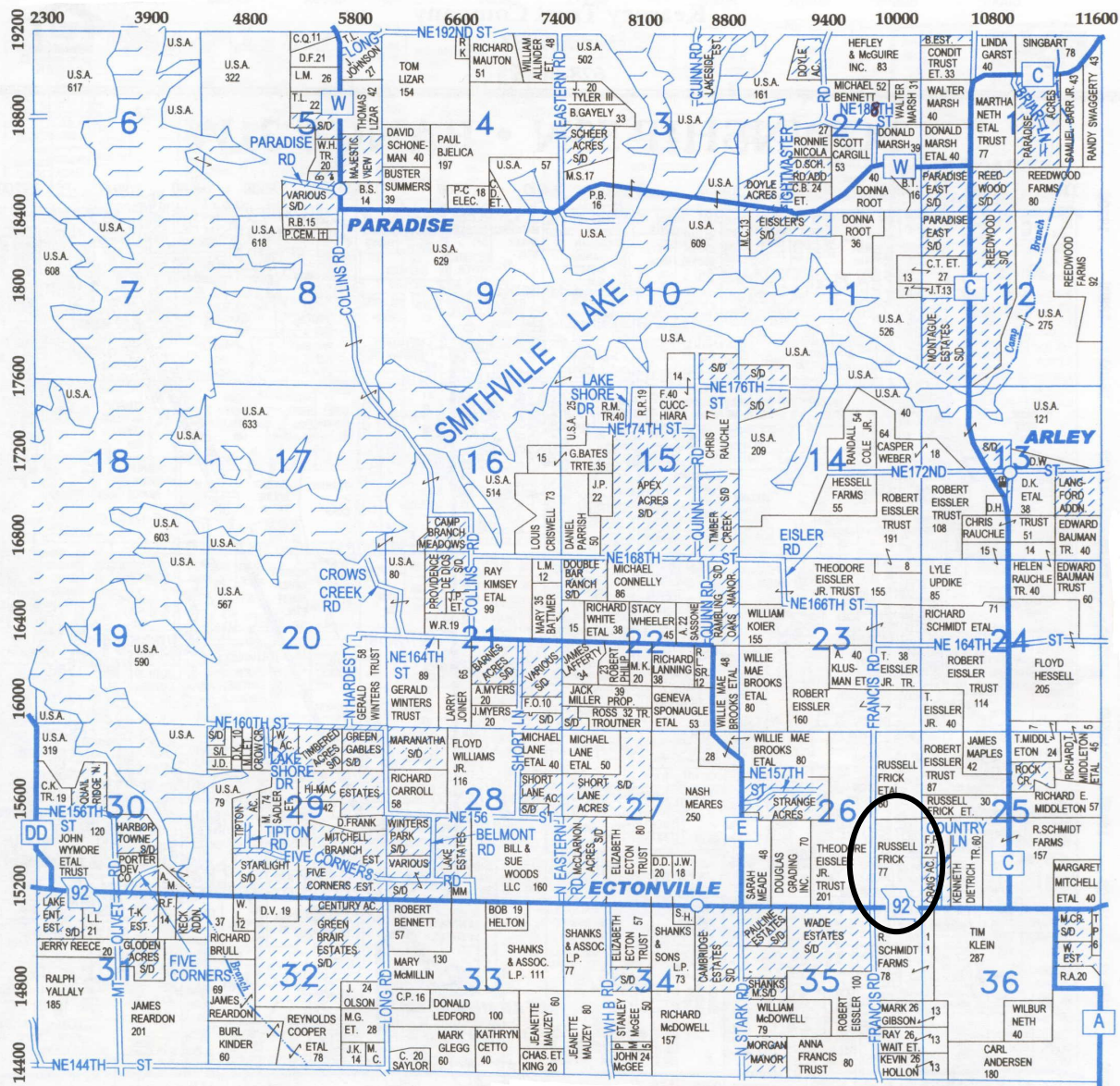
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Attachments

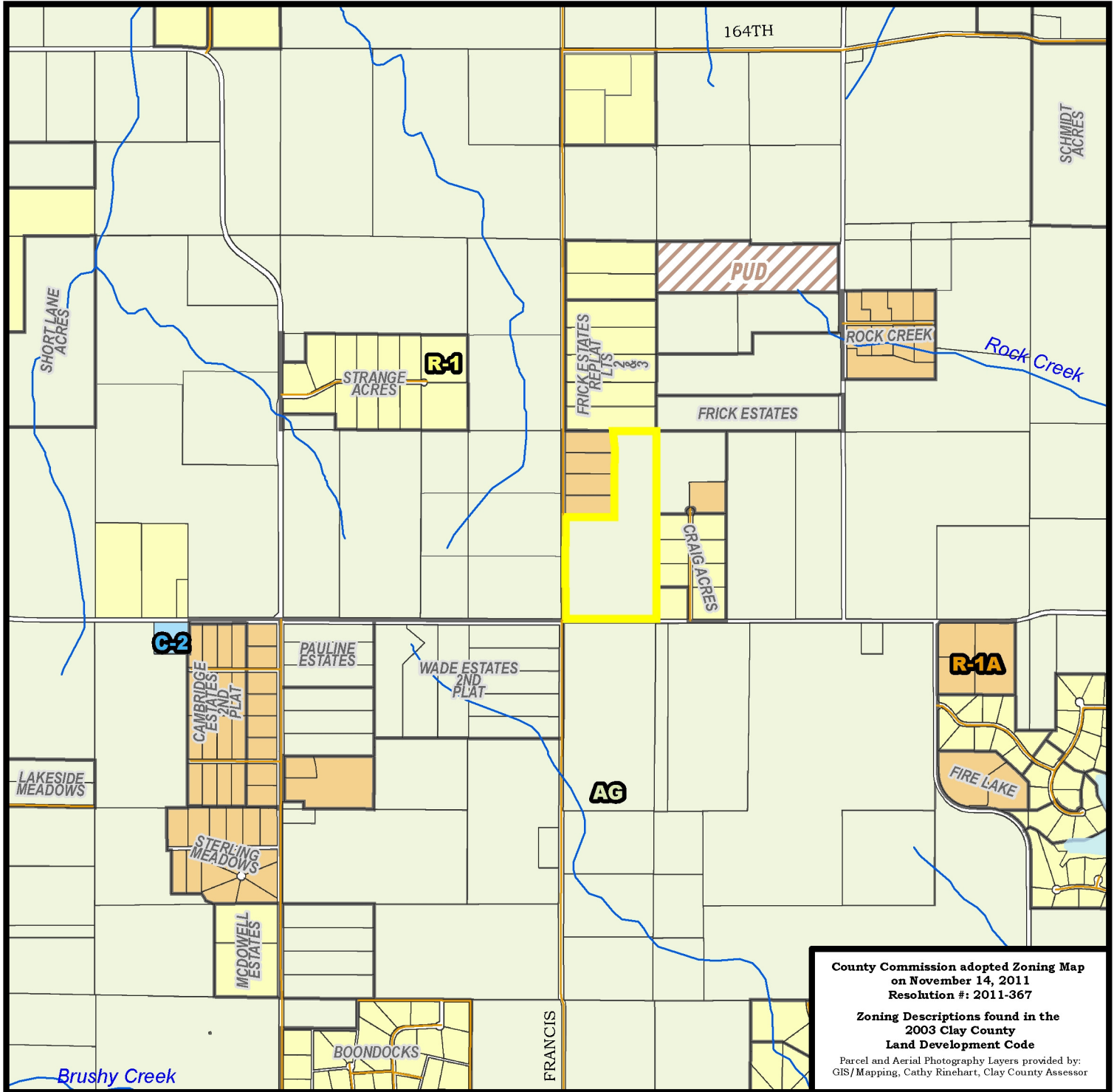
April 12-102 CUP - Frick – Truck Mud Run Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 32W



April 12-102CUP - Frick - Truck Mud Run

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

Property Line

parcel

Streams (EPA)

Railroads

Roads CLASS

Interstates

State Highways

Local Roads

Highway Ramps

Overlay Districts

CD (Conservation District)

PUD (Planned Unit Development)

Subdivisions

County Boundaries

2011 City Limits

Parks

Zoning Districts

AG

R-1

R-1A

R-1B

R-3

C-1

C-2

C-3

I-1

I-2

OP



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April 12-102 CUP – Frick – Sanctioned Truck Mud Run Exhibit B – Applicant Letter & Plan (pages 9 -14)

February 29, 2012

Planning & Zoning Commission

To whom it may concern,

This letter represents a proposal of a Sanctioned Truck Mud Run by participants of the Midwest Mudboggers circuit to be held at 15215 Francis Road, Kearney, MO 64060. This event will be a family friendly event. This run will take place at 1:00 pm. Participants of the event will arrive at approximately 8am (check in 8am – noon) and should leave at approximately 6pm. This event should have approximately 50 trucks to run and approximately 150-200 spectators. The spectators will be directed to a spectator parking on the north side of the property, along an existing fence. This location will be separate from the pit area, secured by safety fence. The pit area located at the south half of the property will hold the Trucks and Trailer.

The mud pit will be in the Southeast corner of above said property. The starting line of the pit will be 100 ft north of the south fence line and a row of large round hay bales topped with five foot safety fence will run the width of pit. This action will reduce noise and eliminate mud from traveling onto 92 Hwy. Trucks will be staged on the west side of the pit. The trucks will enter from the west to the pit and running in the North direction. The spectators will be seated on the west side of the pit about 65ft from the pit behind a safety fence. This safety fence will run the entire length of the pit. The pit is 18 ft wide by 200 ft long with additional 300 ft shut down area. The shut down area will also have a row of large round hay bales for safety. Once trucks finish their run through the mud the trucks will re-enter the staging area by traveling between the pit and the safety fence. This travel path will insure that the trucks will not travel the same area that the spectators will be seated.

The depth of the pit will be approximately 3.5 feet. This depth will include 18 inches of mud and 24 inches of additional wall height. The mud will stay in the mud pit. If the mud exits the pit, it will be caught by the dam of the existing pond. This will eliminate any erosion concerns for the surrounding areas. The source of water will come from the pond located on the property. The water will be moved by a portable water pump. Two different trucks have been tested for decibel level. The first truck was tested at the exhaust pipe with a result of 120 decibel; this was at 3500 RPM's. The same truck was tested at the distance that the spectators will be from the truck. This resulted in 90 decibel at 3500 RPM's. The second truck was tested at the exhaust pipe with a result of 120 decibel; this was at 3500 RPM's. The same truck was tested at distance that the spectators will be from the truck. This result was also 90 decibel at 3500 RPM's. There are existing natural sound barriers located on the east side of the above stated property.

There will be a concession stand on the property. There will be no sale of alcohol. Restrooms (Port-a-potties) will be on site for the event.



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A short explanation of how a mud run is conducted is as follows. The truck pulls to the starting line which is at the end of the mud pit. There is a timing eye there that is tripped when the truck begins its motion. The truck then travels through the mud hoping to not get stuck in the mud. The trucks hope to exit the pit on their own which is considered a "full run". The timer is stopped when the truck exits the pit or when it gets stuck. If the truck gets stuck a length measurement is taken along with the time. The winner is determined by the lowest time of a "full run" or by the longest length if all trucks get stuck.

Attachments:

Aerial View with Drawing

Signatures from Property owners within 1000 feet

Mo Dot Approval

Clay County Road Approval



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Decibel (Loudness) Comparison Chart

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GALEN CAROL
A U D I O

ABOUT

PRODUCTS

ONLINE CATALOG

NEWSLETTER

RESOURCES

How-To

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SUBMIT

SIGN UP FOR SOUNDBITES

NAME:

EMAIL:

SUBMIT

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HOW-TO'S

Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
Level at which sustained exposure may result in hearing loss	90 - 95dB
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
Pain begins	125dB
Pneumatic riveter at 4'	125dB
Even short term exposure can cause permanent damage - Loudest recommended exposure <u>WITH</u> hearing protection	140dB
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB

OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB

<http://www.gcaudio.com/resources/howtos/loudness.html>

2/26/2012



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Decibel (Loudness) Comparison Chart

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.25 or less	115dB
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Perceptions of Increases in Decibel Level	
Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music	
Normal piano practice	60 - 70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 - 111dB
Oboe	95-112dB
Flute	92 - 103dB
Piccolo	90 - 106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

NOTES:

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin, M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

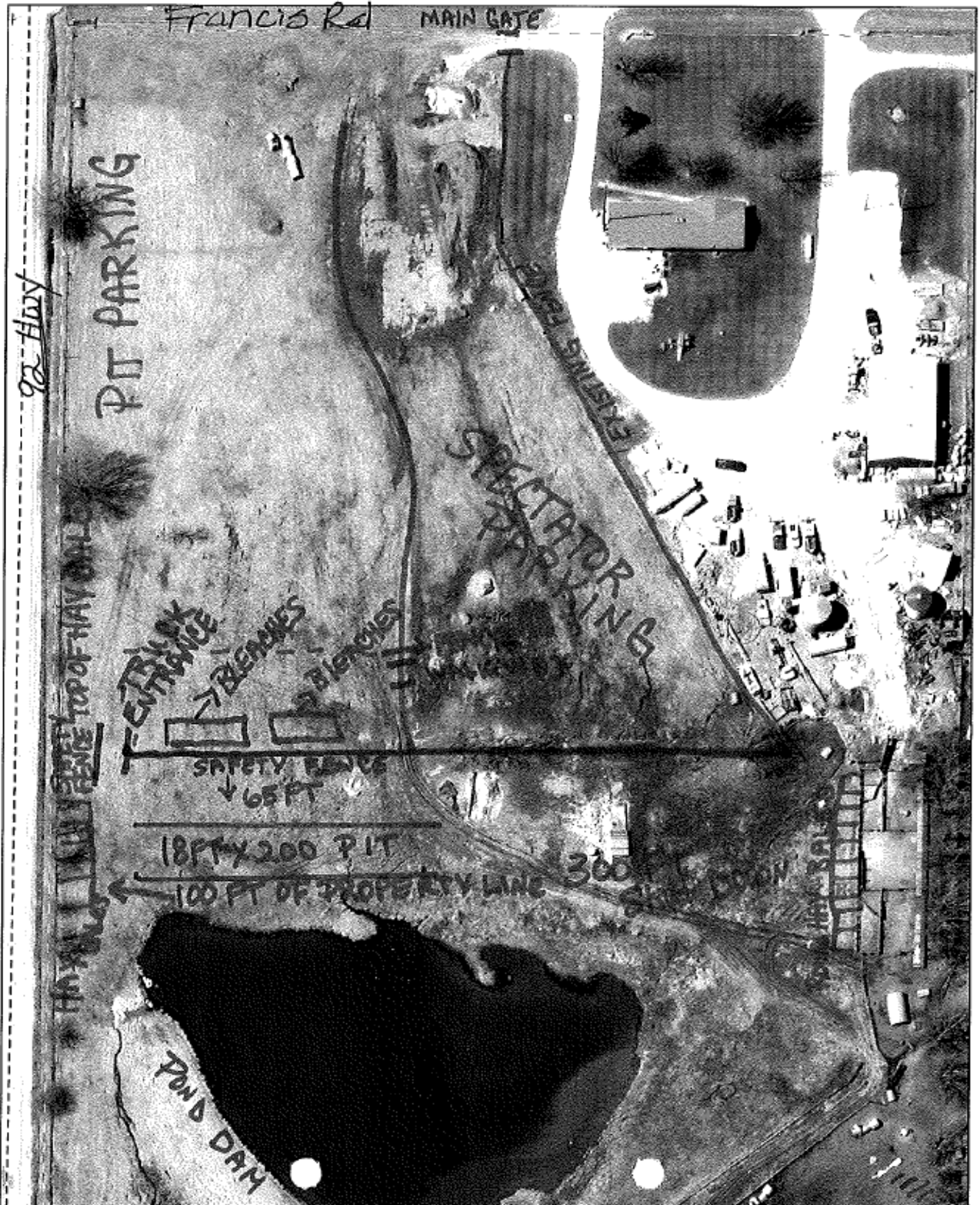


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1:1,022.04 Apr. 12-102 LUP

Prepared by GIS/Mapping Department
Clay County Assessors Office





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